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## Presentence Reports

### Research summary

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### Question

How are Presentence Reports (PSR) used by the courts in sentencing?

### Background

With serious criminal offences, once there is a finding of guilt, the judge often requests a PSR. The purpose of the PSR is to assist the court in making a sentencing decision. What constitutes a PSR is only generally defined in the *Criminal Code of Canada* and specific policy and practice are left to the Provinces and Territories.

Preparing PSRs requires probation officers to interview offenders, family members, employers and teachers. Probation officers also review police and correctional files to help the courts in knowing the offender as a person and his/her willingness to change. Thousands of PSRs are written each month; yet, little is known as to whether these reports are valued and used by the courts.

### Method

Over 100 judges and nearly 200 probation officers were asked about their views on the PSR and about the content of the information in the report. Of particular interest, were the views of judges on the presence of offender risk information and recommendations on the offender's suitability for community supervision. Most probation agencies in Canada routinely use of fender risk instruments to assess the likelihood of re-offending and to identify treatment needs. However, some jurisdictions have policies that discourage including the results from risk assessments in the PSR because this information speaks to future criminal behaviour and not the present crime(s) before the court.

In addition to the interviews, judges and probation officers were asked to underline what they considered important in PSRs submitted to the courts. Finally, the sentencing outcomes of cases with a PSR were compared to cases without a PSR.

### Answer

Most (87%) judges were satisfied with the PSR whereas only 40% of probation officers were satisfied. Probation officers felt that they were inadequately trained to prepare PSRs, that they were required to include information in the PSR that was of little value, and that they had inadequate resources to do the work.

From both the interviews and the underlining of information in the PSR it was clear that judges

and probation officers place considerable importance on the treatment needs of offenders and their rehabilitation. Almost all the judges (95%) wanted probation officers to provide treatment recommendations in the PSR.

Risk information can be presented in two ways. The risk to re-offend can be described in a narrative form and left to the judge to decide the level of risk (e.g., Mr. Smith is an unemployed alcoholic with an extensive criminal history). Another way is to conduct an actuarial risk assessment that gives a numerical probability of re-offending (e.g., 50% risk of re-offending within one year).

Two-thirds of judges preferred the narrative approach. Research indicates, however, that actuarial approaches are more accurate.

Finally, PSRs appear to make a difference in sentencing outcomes. For cases where a PSR was present, there was a higher likelihood of a community sentence rather than a custodial sentence.

### Policy Implications

1. For the most part, judges see PSRs as giving analysis and advice on offender treatment needs. Thus, policies and procedures will need to consider how best to convey relevant treatment information in the PSR.
2. The preference by the judiciary for offender risk information in the narrative form indicates a need for education on the advantages of actuarial risk assessment over the narrative approach.
3. Having a PSR prepared for an offender may provide information that gives judges a level of confidence to hand down a community disposition. Good information on what can be done to safely manage the offender in the community would reduce a reliance on incarceration while maintaining public safety.

### Source

- Bonta, J., Bourgon, G., Jesseman, R., & Yessine, A. K. (2005). *Presentence reports in Canada*. (User Report 2005-03). Ottawa: Public Safety Canada.

### For further information

James Bonta , Ph.D.  
Corrections Research  
Public Safety Canada  
340 Laurier Avenue West  
Ottawa, Ontario K1A 0P8  
Tel: 613-991-2831  
Fax: 613-990-8295  
E-mail: jim.bonta@ps.gc.ca

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